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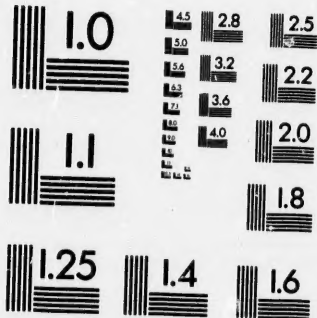
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ANNO VICESIMO TERTIO.

VICTORIÆ REGINÆ.

Act to amend an Act intituled, "*An Act for the construction of Water Works in the City of Hamilton.*"

Received Royal Assent, 19th May, 1860.

3rd Session, 6th Parliament, 1860.

CAP. 204.

Preamble.

- Power to levy and raise a yearly rate or assessment or water rent on all real and personal property situate on or near to line of pipes, sufficient to pay yearly working expenses and interest on cost to the extent of four per cent. per annum.
- Power to make and enforce By-Laws, Rules and Regulations for the collection and payment of water rates and water rents.
- Power to employ assessors, collectors and others. Authority of assessors and collectors.
- Penalty for communicating with any pipe or main, or for obtaining or using the water without consent of Commissioners.
- Bathing, washing, &c., or committing any nuisance whatever, or allowing the water of any sink, sewer or drain to run or be conveyed into any of the reservoirs, fountains, sources of supply, &c., prohibited under pain of fine and imprisonment.
- Power to make By-laws prohibiting any occupant, tenant or inmate of any premises from selling or disposing of, or allowing to be disposed of in any way, or wasting, &c., the water supplied, under pain of fine or imprisonment; power also to regulate the time, manner, extent, nature, of the supply of water, as well as the time, mode, &c., of payment, &c. &c.
- Mayor and chairman of Finance Committee of City Council to be Water Commissioners, *ex-officio*.

8. Net revenue to be specially applied to payment of interest on debentures for construction of the works.
9. Assessed parties aggrieved may appeal to Water Commissioners and to the Judge of the County Court.
10. Water Commissioners empowered to arrange with the Corporation, or with individuals, for the extension of pipes in suburbs or partially built portions of the city; terms of arrangement, &c.
11. Authority to lay and charge for the pipe requisite for spaces between the line of the street and the wall of buildings.
12. Service pipe and all its fittings under control of Commissioners. Any damage done thereto by water tenants to be made good by them.
13. Water tenants to use taps approved of by Commissioners.
14. No liability attached to the Water Commissioners or the City Corporation for damages caused by breaking of service pipes, &c. &c.
15. The officers of the Water Commissioners to have free access, under certain restrictions, to premises supplied.
16. Unauthorized persons opening or closing, or obstructing any hydrant, stop-cock or hydrant chamber, liable, on conviction, to fine, and, in default thereof, to imprisonment.
17. Lands, machinery, &c., &c., of the Water Commissioners exempt from taxation.
18. The officers of the Water Commissioners, *ex-officio*, to be Officers of the Peace.
19. Semi-Annual Reports to be presented to City Council within 30 days of each half-year.
20. Commissioners empowered to supply water beyond limits of city, and to arrange with railways or manufactories.
21. Public Act.

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ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

CAP. 204.

AN ACT to amend an Act intituled, "AN ACT for the construction of WATER WORKS in the City of Hamilton."

[Assented to 19th May, 1860.]

WHEREAS the Water Commissioners for the City of Hamilton by petition have prayed for the amendments hereinafter set forth, of the Act passed in the Session of Parliament, held in the nineteenth and twentieth years of Her Majesty's Reign, and intituled: "An Act for the construction of Water Works in the City of Hamilton;" and it is expedient to grant such prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Water Commissioners for the City of Hamilton shall, in addition to the powers conferred upon them by the said Act, have full power and authority to levy and raise such a yearly or other rate or assessment or water rent on all and singular, the real property within the said city, whether owned by private individuals or bodies corporate, by, near or contiguous to which the water pipes may pass, and upon the stock in trade, household furniture and goods and chattels belonging to or in the possession of the owners or occupants of such real estate, (save and except always the real property and other effects of any Railway Company) as shall, in the opinion of the Commissioners, be sufficient to pay the yearly interest, at a rate not to exceed four per centum per annum, on the cost of the said Water Works and the yearly expenses thereof, or such portion of such interest and expense as, in their judgment, should be levied and raised in each year, and be borne by such owners and occupants; and the Commissioners shall have power and authority, from time to time, to fix the rate

or rates such owner or occupant, or both such owner and occupant, shall pay, having due regard to the advantages derived by such owner and occupant, or conferred upon him or her or their property by the Water Works, and the locality in which the same is situated; and so much of the said water rate or rent as shall be assessed or levied upon the real estate, shall become a continuing lien, unless paid, upon such real estate, any thing in section ten of the said Act to the contrary notwithstanding; and the Water Commissioners shall also have power and authority, from time to time, to fix the rate or rent to be paid for the use of the water by hydrants, fire plugs, public buildings, and street watering.

2. The Commissioners shall have full power, from time to time, to make and enforce all necessary by-laws, rules and regulations for the collection of the said water rate and water rent, and for fixing the time and times when, and the places where, the same shall be payable, for allowing a discount for pre-payment; and, in case of default in payment, to enforce payment by shutting off the water, or by suit at law before any Court of competent jurisdiction, or by distress and sale of the goods or property upon which such rates shall have become a lien;—provided that such distress and sale shall be conducted in the same manner as sales are now conducted for arrears of city taxes; and provided further, that the attempt to collect such rates by any process hereinbefore mentioned, shall not in any way invalidate the lien upon the said premises.

3. The Commissioners shall have power to employ collectors, assessors, and such other persons as in their opinion may be necessary to carry out the object of this Act, and to specify the duties of such persons so employed, and to fix their compensation; and all such persons shall hold their offices at the pleasure of the Commissioners, and shall give such security as the Commissioners shall from time to time require; and such collectors and assessors shall have as full power as the collectors and assessors in the cities of Upper Canada do now possess and enjoy.

4. If any person or persons shall lay, or cause to be laid, any pipe or main to communicate with any pipe or main of the said Water Works, or in any way to obtain or use any water thereof, without the consent of the Commissioners, he or they shall forfeit and pay to the Commissioners the sum of one hundred dollars, and also a further sum of five dollars for each day such pipe or main shall so remain; which said sum, together with costs of suit in that behalf, may be recovered by civil action in any Court of Law in the Province, having civil jurisdiction to that amount.

5. If any person shall bathe or wash, or cleanse any cloth, wool, leather, skins, or animals, or place any nuisance or offensive thing in any of the reservoirs, cisterns, ponds, sources or fountains, from which the water for the said Water Works is obtained,—or shall convey or cast, throw or put any filth, dirt, dead carcases or other noisome or offensive things therein, or cause, permit or suffer the water of any sink, sewer or drain to run or be conveyed into the same, or cause any other thing to be done whereby the water therein may be in any wise tainted, every such person shall, on conviction thereof before any Justice of the Peace, on the oath of one credible witness, be by such Justice adjudged and condemned to pay a penalty for

every such offence the use of the City for the same Commissioners of the said penalty such Justice may be confined in the month, as to him

6. It shall and by authorized and requisite and need or imprisonment duration of such imprisonment, being fore whom any person being occupied from the said Water thereof, from giving or from using or a than his, her or the water agreed for v ing or improperly extent and nature the said Works, same shall be furnished and mode and circumstance or thing relating or proper to direct the city a continuance and to prevent the to the water so to

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9. Any person or assessor, to the Water the County Court is are provided for on

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every such offence, not exceeding twenty dollars, one half to be applied to the use of the Commissioners, and the other half to him or her who shall sue for the same; and in case the party suing for the same shall be the Commissioners themselves or any of their officers or servants, then the whole of the said penalty shall be applied to the uses of the Commissioners; and such Justice may also, in his discretion, further condemn such person to be confined in the Common Goal for a space of time not exceeding one month, as to him may seem meet.

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6. It shall and may be lawful for the Commissioners, and they are hereby authorized and empowered, to make such By-laws as to them shall seem requisite and necessary for prohibiting, by fine not exceeding twenty dollars, or imprisonment not exceeding one month, (the amount of such fine and duration of such imprisonment, and also the option between fine and imprisonment, being always in the discretion of the Justice of the Peace before whom any proceeding may be taken for enforcement thereof,) any person being occupant, tenant or inmate of any house supplied with water from the said Water Works, from vending, selling or disposing of the water thereof, from giving it away or permitting it to be taken or carried away, or from using or applying it to the use or benefit of others, or to any other than his, her or their own use and benefit, or from increasing the supply of water agreed for with the said Commissioners, or from wrongfully neglecting or improperly wasting the water, as also for regulating the time, manner, extent and nature of the supply of water to be provided and supplied by the said Works, the tenement or parties to which and to whom the same shall be furnished, the price or prices to be exacted therefor, the time and mode and circumstance of payment therefor, and each and every other matter or thing relating to or connected therewith which it may be necessary or proper to direct, regulate or determine for issuing to the inhabitants of the city a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the Commissioners with regard to the water so to be supplied.

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7. The Mayor of the city, and the Chairman of the Finance Committee of the city for the time being, shall be *ex officio* Water Commissioners for the city, with all the powers of any other members of the Board.

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8. The revenue derived from the said works, after paying the expenses thereof, shall, from time to time, be paid to the Chamberlain of the said city, for the purpose of paying the interest on the debentures issued for the construction of the said Water Works, and for no other purpose.

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9. Any person may appeal from any decision or assessment of the Assessor, to the Water Commissioners, and from that body to the Judge of the County Court in the same manner, and on taking the same steps as are provided for on appeal in case of assessment for city taxes.

10. The Water Commissioners are hereby empowered to arrange with the Corporation or with individuals, for the extension of pipes in suburbs or partially-built portions of the city, by allowing a deduction from the price charged for the water, to such extent as the Commissioners shall see fit, on the cost of the said pipes when laid by the parties under the direction

of the Commissioners, and subject to their approval; or the Commissioners may lay the pipes, charging the said parties, in addition to the usual water rate, a yearly interest upon the cost of such extension, which interest, or such portion as shall then be due, shall be paid at the same time and collected in the same manner as the water rates.

11. In all cases where a vacant space intervenes between the line of the street and the wall of the building into which the water is to be taken, the Commissioners are empowered to lay the service pipe across such vacant space, and charge the cost of the same to the parties liable for the water rate for the premises, such charge to be payable with the first payment of water rates, and to be collected in the same manner.

12. The service pipe, from the line of the street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stop-cocks, and apparatus placed thereon by the Commissioners, shall be under their control; and if any damage be done to this portion of the service pipe or its fittings, either by neglect or otherwise, the Commissioners may repair the same, and charge the expense to the premises; the stop-cock placed by the Commissioners inside of the wall of the building shall not be used by the water tenant except in case of accident, or for the protection of the building or the pipes, and to prevent flooding of premises.

13. All parties supplied with water by the Commissioners may be required to place only such taps for the drawing and shutting off the water as shall be approved of by the Commissioners.

14. Neither the Water Commissioners nor the Corporation of the City shall be liable for damages caused by the breaking of any service pipe or attachment, or for any shutting off of the water to repair mains or tap the pipes, provided notice be given of the intention to shut off the water, when the same is shut off more than six hours at any one time.

15. It shall be lawful for the officers of the Water Commissioners, and every person authorized by them for that purpose, to have free access, at proper hours of the day and upon reasonable notice given and request made for that purpose, to all parts of every building in which water is delivered and consumed.

16. If any person or persons, not being in the employment of the Water Commissioners, or not being a member of the Fire Brigade of the said City, and duly authorized in that behalf, shall wilfully open or close any hydrant or obstruct the free access to any hydrant, stop-cock, stop-cock chamber or hydrant chamber, by placing on it any building material, rubbish or otherwise, every such person shall, on conviction before any of Her Majesty's Justices of the Peace, forfeit and pay for each offence a sum not exceeding twenty dollars, or, in default of payment, be liable to be imprisoned in the gaol of the county for a term not to exceed thirty days; and each time the said hydrants are so interfered with, and each day said obstruction shall continue, shall be considered a separate offence.

17. The lands, buildings, machinery, reservoirs, pipes, and all other real and personal property connected with or belonging to the Water Commissioners, shall from henceforth be exempt from taxation.

18. The water in discharge of the authority of officers.

19. Notwithstanding the Commissioners shall on the day of June and statement shall, to the Corporation.

20. The Water supply any person City of Hamilton ing out of their ships of Barton a also, from time to deem expedient for factory.

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18. The watchman and other officers of the Water Commissioners, when in discharge of their duty, shall be *ex-officio* possessed of all the powers and authority of officers of the peace.

19. Notwithstanding any thing contained in the said Act, the Water Commissioners shall prepare a statement, of their affairs up to the thirtieth day of June and the thirty-first day of December in each year, and such statement shall, within thirty days from those respective dates, be rendered to the Corporation of the city.

20. The Water Commissioners shall have full power and authority to supply any person or persons with water, although not resident within the City of Hamilton, and may exercise all other powers necessary to the carrying out of their agreements with such persons, as well within the Townships of Barton and Saltfleet as within the City of Hamilton; and they may also, from time to time, make and carry out any agreement which they may deem expedient for the supply of water to any Railway Company or manufactory.

21. This Act shall be deemed a Public Act.

